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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,832	02/09/2004	Douglas L. Sevey	826.001	9783

7590

08/19/2005

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/774,832

Applicant(s)

SEVEY, DOUGLAS L.

Examiner

Alicia M. Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-11 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) 16-19, 24 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### *Claim Objections*

1. Claim 2 is objected to because of the following informalities: “or” in line 4 should be changed to –of—. Appropriate correction is required.

Claim 15 is objected to because of the following informalities: it appears that “first axis” in lines 3 and 4 should be changed to –second axis—. Appropriate correction is required.

Claim 23 is objected to because of the following informalities: antecedent basis for “an accessory mounting arrangement” has been established in claim 22. Appropriate correction is required.

### **DETAILED ACTION**

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-11 and 20, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by James 4,183,195.

James discloses a system for mounting an accessory to a vehicle comprising:

- A linkage arrangement (L) connected to the vehicle (T) including a pair of vertically-spaced links (30, 31) having inner and outer ends
- A vertical pivot member (38, 39) mounted through the outer ends
- An accessory (M) connected to and movable about the vertical pivot member (38, 39)

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- A linkage mounting arrangement (11, see Figure 2) located between the inner ends toward the rear side of the vehicle and defining a horizontal pivot
- The pivotal movement about the horizontal axis providing vertical movement of the links (30, 31) and the vertical pivot member (38, 39) and the accessory (M) relative to the vehicle (T) to a raised and lowered position, as per claims 2, 8, 9
- The inner ends of the links (30, 31) pivotable about another vertical axis (at 26, 27), as per claim 20
- An accessory mounting arrangement (47') with the inner end connected to the vertical pivot member (38, 39) and the accessory (M) mounted to the outer end, as per claim 21
- The linkage mounting arrangement (L) allowing the accessory (M) to be moved to a first or second side of the vehicle (T), as per claim 3
- The linkage arrangement (L) including upper and lower mounting brackets (unnumbered inner ends of links 30, 31) and vertically oriented pivot pins (26, 27) connected to the links (30, 31) for movement about the inner vertical axis, as per claim 4
- The linkage arrangement (L) including upper and lower mounting plates (22, 23) pivotably secured to the brackets (inner end of links 30, 31) via the pivot pins (26, 27) and connected to the links (30, 31) via horizontal pivot pins (18, 19), as per claim 5
- A vertical pivot bar (also 47') extending between the outer ends of the links (30, 31), as per claim 6
- The vertical pivot bar (47') extending between vertical pivot sleeves (unnumbered inner ends of links 30, 31), as per claim 7

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- A biasing arrangement (57) for biasing the linkage (L) to a raised position connected between the linkage mounting arrangement (11) and a link (31), as per claims 10 and 11.

4. Regarding claims 13-15, 22 and 23, James discloses a system for mounting an accessory to a vehicle, comprising:

- A linkage (L) including a vertically spaced first and second links (30, 31) defining inner and outer ends
- A linkage mounting arrangement (11, see Figure 2) interconnected to the vehicle (T) at the inner ends of the links (30, 31) defining a vertical and horizontal pivot axes
- A vertical accessory mounting member (44) extending between the outer ends for mounting the accessory (M) to the vehicle (T), as per claim 13
- The inner ends connected to first and second pivot plates (15, 16)
- The horizontal axis is defined by vertically aligned pivot pins (18, 19) which are part of the linkage mounting arrangement (11) and extend through the pivot plates (22, 23), as per claim 14
- A biasing member (57) connected between the linkage mounting arrangement (11) and a link (31) for biasing the linkage (L) toward a raised position about the vertical axis, as per claim 15
- An accessory mounting arrangement (47') connecting the accessory (M) about another vertical pivot axis at an outer end locating the accessory (M) outward of the accessory mounting member (44), as per claims 22 and 23.

*Response to Arguments*

5. Applicant's arguments with respect to claims 2-11, 13-15 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

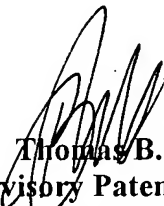
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
August 15, 2005